App. F, IX-4

1927

Previous References
ml 82-24 ols 13, 14 & 16
ml 133-23 ols 12 & 14-15
131-10 ols 1-6
Later References
ml 205-27 sl 9

File No 167-26
Serial Nos. 152

General and Revenue Secretariat.

Serial Nos. Two

Part B for June 27

SUBJECT

Relation between the State engineer the Mesilla Council Dawsons

ml 8817 of 10-6-27 The DC Chitaldoog

Requests that certain observations be Communicated to the Dawsons Mesilla & necessary action taken to prevent friction between the Council & the Executive Staff

Std 28/10

WD 0 229—GPB—37 500—1 9-26
App F III—2]

of 1926

General and Revenue Secretariat

File No 167

Serial No

No 8903 dated 21 3 27

From

The Chief Engineer in Mysore

Forwards for favour of necessary action copy of letter dated 24 11 26 from the Divisional Forest Officer Davangere together with its enclosures

1) The President Davangere Municipality has forwarded to the Chief Engineer the Representation of the Engineer of the Davangere Valley in the matter of interference of the members of the Council with the works executed by the Engineer on CD & Narasimha Sagara and has appealed

2) The main point urged by the Narasimha Sagara Engineer, is that it is urgent to prevent non technical men to check the works executed by the Engineer The Municipal Council of Davangere therefore decided appointed a committee of certain Councillors to check the work of the Engineer This the Engineer thinks is derogatory to him and subverts orders

3) There do not appear to be any definite rules regarding

WD 0.229—GPB—37 500—1 9-26
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2)

of 1926

General and Revenue Secretariat

wl File No 67

Serial No

the nature of Control over the work of the Engineer

4) but it will be seen from ml 131-23 dtd 27 Oct that the Municipal Council agreed in the beginning to have a Govt P W D Officer and to allow personal supervision by the Water works Executive Engineer

5) new Govt Officers being thereby subject to the Control not only of the Departmental Officers but also of the ml President and Councillors have been feeling the position for a long time as will be seen from the correspondence in ml file no 123-23-6 Flag H

1) On same kind of trouble having arisen before it was held that the Municipal Council may check the work of the Govt Officials and bring to the notice of the G P W D any lacuna (vide Flag J) and Govt Sanction for orders

Note 29/3/24 7) The observation of the Engineer seems to be that non technical men should not make remarks on the bills of measure

Serial No

-ment books. This has perhaps to be conceded. A technical error can perhaps be only pointed out by another technical man to whom the non technical mind body should send up their views in the matter. The Chief Engineer should perhaps have expressed his views

8) The appointment of the Municipal Engineer was intended to supervise & attend to the water works on the spot & also to the important work of the Municipality

9) Para 5 of the Chief Engineers note explains the position of the Municipal Engineer. He has started that the Municipality may check their work & bring to the notice of the Department their errors for orders

10) The Municipal Engineer seems to think that the Municipal Commissioners themselves should not check his work, & that the Resident as Superintending Engineer must do so

11) In the Agra city there is no

Sheet

WD 0 299—GPB—37 500—1 9-26
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a Works Committee & Main Committee has been given the following functions —

" The Works Committee shall control expenditure under the following heads

B Public Safety

C Public works carried out by the Road and Drainage Departments

D &

E the water supply &

the town conservancy

and

the Secretary of

1 Municipal progress statement of Sanctioned works

2 & reports of Katchi paving work

3 Reports on work of Sewage Farm.

4 Avenue Staff, Stock Lists & return of tools & plant

5 Disposal of Immovable property

6 Statement of progress in prosecutions

12) It will thus be seen that they are not given the power of checking the estimates & of work done the Asst Engineer alone & have recourse to complaint against the Committees Checking his work in regard to bills, measurement bills &c (vide paras 8 & 9 of the Memo)

13) The Medical Officer may have a Works Committee on the lines indicated in Mysore Secretariat)

WD 0122C—CPB -3/ 500—1) 26

App F III - 2]

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14) The file may forward accordingly to the Chief Engr other opinion obtained Personally I feel the A Engr is making unnecessary fuss Rly with a little tact, this & other kinds can be easily settled 31/3

15) Forwarded with compliments to the Chief Engineer of Mysore for favor of opinion

for General Secretary

16) Returned, with compliments.

2. The status of the Municipal Engineer of Davangere Town Municipal Council is that of a Civil Officer combined with the duties of an Engineer so far as Public Works and Water Works are concerned As such he is subject to the orders of the president in all matters The Municipal councillors should not interfere in his work but as councillors they may go round the works any number of times and place their objections, if any before the President for such action as he might wish to take in the matter.

3 I agree that much of these complaints will be put an end to if the Councillors and the

Works Secretariat | Ml File No 16 of 1926 (4566)

Serial No

Municipal Engineer work amicably

Chief Engineer of Mysore 21-4-27

Bangalore,

April 1927.

1.) Pl dbroughly 23/4 23/4

11275/25

2.) Draft Submitted for ~~approval~~ 29/4

3.) Secy Law Dept to see and ~~return~~ Examined 4/5 4/5

5.) 5/5

WD 895—GRP—5000—31-8-26

Next—Contn sheet

WD 0.229—GJB—37 500—1 9-26

App I III—2]

and Revenue Secretariat

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20) The Municipal Engineer in para (8) of his letter to the Chief Engineer states as follows --

"On the 17th June 1926 a resolution was passed that all works and materials collected should be checked by the Municipal Engineer and Sanitary Inspector along with the respective committees who should sign the measurement book and the respective bills in token of their correctness after which alone the bills should be passed for payment "

21) The question for consideration is whether this resolution of the Municipal Council is in order The resolution of the Municipal Council relates to the financial and executive administration of the Municipal Council and under Section 24(1) (b) of the Regulation it is the duty of the President to watch over such administration Moreover, the resolution may be construed as modifying the duties of the several officers and servants of the Municipal Council For defining or varying the duties of the several officers and servants rules have to be framed or varied under section 46 and sanction of the Government is necessary for such rules or their variation Moreover, payment of bills is an executive function which is vested in the President under sub-section 24(1) (b) of the Regulation, unless it has been delegated to any other individual under section 37 of the Regulation Under this section executive functions may be delegated only to the President, Vice-President or to the chairman of a Committee or to one more stipendi

Revenue at ml File No 167 of 1926

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or Honorary officers but not to a committee The association of the Committees or of the sanitary inspector who is a subordinate servant with the Municipal Engineer in the discharge of his executive functions is unauthorised

22) In these circumstances the resolution of the Municipal Council is not in order

In para (3) of his letter the Engineer objects to non-technical men checking his works and orders and he has no objection to the President who is the superior executive Government Officer checking his work The President need not always be a Government Officer and it is his duty to obey any instruction that may be given by a non-official President also

Govt may with Compts

23) Please put up a revised draft as indicated

24) Revised typed draft submitted

25) Draft in accordance with Lt Governor's views submitted

26

Present Absentee

App F III—2]

General and Revenue Secretariat

File No 16) of 192 6

Serial No

stating the case As I was familiar with the subject after the omission and struck me I regret the omission
Cw Please [redacted] re-draft as indicated & retype and bring up

MCD 30/1

1243 3 1/6

Draft retyped with a small addition put up

MCD 1/6

Draft to the cube)

1/6

Issue MCD 7/6

2 To the D-C Reh tel stating Dt No L8817 D/ 10 1 Stated that the resolution of the Mil Council is not in order I request that certain observations made in the letter may be communicated to the Mil council & necessary action taken to prevent friction between the Council & the Executive Staff

NOTE—Contn sheet

WD 2293—GPE—10,000—4-3-27

W D 108C—G P H—5000—16-12-25

No. 8903/2

MYSORE PUBLIC WORKS DEPARTMENT
CENTRAL OFFICE

Dated Bangalore 21/3/ 1927

REVENUE 45064

From

JOHN BHORE Esq, AMICE Etc
Chief Engineer of Mysore
Bangalore

To

Mel 167-26 — 1

R Ranga Rao, Esq , B ~~A., B.L.,~~—
Secretary to the Government of Mysore,
General Department
B a n g a l o r e

Sir

I have the honour to forward herewith, for favour of taking --- such action as is considered necessary, a copy of letter No 612 dated t 27th November 1926 and its enclosures, from the President, Town Municipa Council, Davangere-

I have the honour to be,

Sir,

Your most obedient servant,

19 3.27

CHIEF ENGINEER OF MYSORE

T.R.S

Letter No 612 dated the 27th November 1926, from the Town Municipal Council, Davangere, to the Chief Engineer of

---

I have the honour to forward the enclosed petition of Narasimha Iyengar, Engineer of this Municipality, addressed to favour of taking such action as you deem fit in the matter

---

"Copy"

For Chief Engineer of Mysore

T.R.S

To

The Chief Engineer
P W D in Mysore
Bangalore

Thro The President
Municipal Council
Davangere Dt 16 10 26

Recd:
16/X/26
Simple
Reminder
with
reference
Govt.
card

I beg to bring to your kind notice the circumstances that has necessitated me to approach you with these few lines for favourable Consideration and Orders

1106
360

Soon after I joined the Municipality as in the latter part of 1924, I was entrusted with the Road & drain Works of this town When bills for Works were presented, Some of the members objected to pass them as they did not Contain the Estimates

3 I brought in my objection that non-technical men Should not be presented to check my Works & there was no Objection to the President Checking the Same, he being the Supervising Executive Officer

4 Instructions were issued to Municipalities Whether there were any Such Circumstances to check & perform other Executive functions in relation to the Public Works carried by the Engineer

5 In Bangalore, Mysore, Shimoga & Tumkur
the first three have stated that no such Committees
are formed & therefore & check the public
Works only in the last place, the bills are placed
before the managing Committee whose opinions
were submitted to the President & the Works
are checked by the President also
6 On Conferring these a resolution was passed
on 27/11/24 that all functions, performed by
the public Works & water Works Committees,
should be continued to be performed by them as
before but instead of keeping the measurement
books & bills they should report their remarks
to the President.

This continued for over 1½ years Recently
when a G O was received against the working
of these Committees in certain reports made
by the then President & members, against Mr
Srinivasa Ranga Rao, the attitude of the
members was thoroughly changed & a proposal
was brought in by 4 members for the modification
of the above resolutions
7 On the 17th June 26 a resolution was
passed that all works & materials
collected & should be checked by the Executive
Engineer & Sanitary Inspector along with
the respective Committees who should keep
the measurement books & the respective bills

in

in lieu of these Corrections after which alone the bills should be passed for payment

9 I by Means to the President the Situation in the meeting. That I will have no Objection to the members coming & inspecting the Work as many times as they like when it is in progress But only by Means any Objection to the work on Bills & Measurement Books, because I think it is derogatory to an officer of any Status to have my Work checked by non technical men

10 Under Municipal Regulation, Section 21 The functions of the President are Executive & those of Committees & the Council are purely

11 as it is, there is no practice any where in the State that non-official members should check the Works executed by Govt. officers in responsible positions These duties can only be conveyed to me thro the President as the Chief Executive officer & the Committees individually or collectively have no direct connection with me

12 Harmony is needed for proper Working between the two bodies Unless there is harmony it is very difficult to get on with the Works easily & smoothly

13 The Committees Contemplated in Section 29 are needless only to be advisory bodies

to the Pleasant who is the Chief Executive
officer to carry out the resolutions of
the Committee & Council

14. I therefore request that the matter
may kindly be placed before the Govt for
Rules being kindly passed defining the
powers of Engineer in charge of Waterworks &
& preventing the members from directly
interfering with the works, except thro the
Pleasant under the Municipal Regulations

I beg to remain Sir,
Your most obedient Servant
C. Thomas Sinclair
Municipal Engineer

1887/ml 167-26-2

To

The Deputy Commissioner, 9/10/27
Chitaldrug District

14586/ml 167-26

S i r

I am directed to forward herewith a copy of letter No 8903 dated 21st March 1927 from the Chief Engineer in Mysore submitting a communication received from the Assistant Engineer, Davanagere, in regard to the relations between himself and the Municipal Council It appears that the Municipal Council have passed a resolution to the effect that all works and materials collected should be checked by the Municipal Engineer and Sanitary Inspector along with the respective committees who should sign the measurement book and the respective bills in token of their correctness after which alone the bill should be passed for payment The resolution may be construed as modifying the duties of several officers and servants of the Municipal Council for which rules have to be framed or varied under Section 46 and sanctioned by Govt Moreover, payment of bills is an executive function, which under subsection 24 (1) (b) of the Regulation is vested in the President unless delegated under Section 37 of the Regulation It is also observed that such delegation may be made to the Vice-President or the Chairman of a Committee or to one or more stipendiary or Honorary officers but not to a Committee The association of the committees or of the Sanitary Inspector who is a servant with the Municipal Engineer

Engineer in the discharge of his executive functions contemplated in the resolution is unauthorised

2 In these circumstances I am to state that the resolution of the Municipal Council is not in order

3 In para (3) of his letter the Assistant Engineer also objects to non-technical men checking his work and orders but he has no objection to the President who is the superior executive Government Officer checking his work The President may not always be a Government Officer It is the duty of the Assistant Engineer to carry out any instructions that may be given by the President who may be a non-official also

4 I am to request that the observations in para 1 & 2 above remarks be communicated to the Davanagere Municipality and necessary action taken to prevent friction between the Council and the Executive Staff.

I have etc

For General Secretary to Govt.

Copy to Chief Engineer with reference to his D O No 104 dated the 6th April 1927 The observations in para 3 of the above letter be communicated to the Assistant for his guidance

'By Order'

For General Secretary to Government

VVkl

Note No. 4810 dated Camp, Arsikere, 22nd March 1927, from the Superintending Engineer, Shimoga Circle

Returned with the following remarks --

The matter of opening this road has been under the consideration of the Board for a pretty long period(1921-24).

It is clear from the correspondence quoted by the Executive Engineer that the Board had two projects before them, approved of one and disapproved of the other, and this fact has been noted clearly by the Chief Engineer too in his letter No.B 4380-16 dated 28-1-1924.

No Public Works Officers couldhave had any reason for special pleading on behalf of one route or another on any other ground but of technical and economical considerations and of the interests of the public.

As there is a change in the personnel of the District Board and of of its President, an impartial opinion is likely to be obtained by placing the matter before them now. The Present President may therefore be required to do so i.e., placing the matter before the present Board. The President may also be requested to make a joint inspection of both the routes in company with the Executive Engineer and a few select members of the District Board who have no personal interest of any kind in one route or another before discussing the matter in a meeting.

"COPY"

Letter No. 181 dated the 13th March 1927 from the Executive Engineer, Chitaldrug Division, to the Superintending Engineer, Shimoga Circle

Your No 3582 dated 7-2-27 forwarding a copy of letter No. C-Pet.108/L.F 24-25 dated 18-11-1926 from the President, District Board, Chitaldrug District, re Aimangala-Harti Road and asking for submission of remarks on the specific points noted therein etc.,

Adverting to the above, I have the honour to report that the observations made in the Local and Legislative Department Secretary's letter No. 2651 L.B.17-24-26 dated 27-10-26 to the address of the President, Chitaldrug District Board, remain practically unmet by the President in his letter quoted above

2. No new points have been raised, no additional arguments have been adduced, it is practically a reiteration of the

of the previous correspondence, pleading for the abandonment of the sanctioned line and reviving the old cart track All that is required to be said against the stand taken up by the President has been said in my No.479/2 dated 25/30-10-1925 and there is not much to add to it However, I shall again submit as instructed some remarks regarding the untenability of the views and conclusions of the President as pressed forward in the letter under reference

3 Para 2 of reply letter - It is a fact that 3 alternative routes are possible for connecting Aimangala with Yerabally The first one of improving the cart track now advocated by the President was discarded in the first instance alone as unworthy of consideration for a main road on defects of alignment.

Of the 2 remaining ones, the sanctioned route was recommended for adoption, in preference to the other one. It was ultimately approved by the District Board and sanctioned by Government

The route does connect the 2 Villages of Aimangala and Yerabally Only it passes through a portion of existing main road, at the commencement, then traverses through the untapped country in the interior and again passes through a portion of existing main road before reaching Yerabally The total distance traversed from Aimangala to Yerabally along this sanctioned route is practically the same as that along the existing cart track But it will cost much less and be free from the disadvantages of faulty alignment etc., It is hard to see why this should be opposed from the economic point of view.

4. Para 3 of reply letter:- For discarding the cart track from consideration for opening a 1st class road connecting the 2 main roads existing, I maintain that it is not necessary that regular levels should be run and surveys taken and projects prepared at great cost and waste of -- energy Referring to the Topo Sheet and reconnoitering the ground, it is quite possible to prefer one route to another.

[illegible] in this line

5 That the cart track was passed over was not kept secret It was mentioned in the report accompanying the other 2 alternative estimates The Superintending Engineer was specially replied to that in preference to scrutinising the estimate received for improving the cart track separate alternative estimates were prepared and forwarded to the District Board etc , for needful consideration and that the Board were not prepared to consider either of the two on account of financial commitments etc , Vide Executive Engineer's No 360 dated the 2nd August 1922.

6 Para 4 of the reply letter - The para is an attempt to trace the history of the project but it is wanting in clearness and sequence of facts Many conclusions are drawn -- which are not justifiable by facts

(a) I may be permitted to restate the facts that the Executive Engineer's letter (No 228 dated 24-10-21/31-5-22) quoted by the President pointedly refers to 2 alternative projects amounting to Rs 37,392 and 27,568 together with 11 enclosures connected with 1st and 6 connected with the 2nd A copy is enclosed for perusal Particular mention is made therein of the explanatory report which was accompanying the estimates

(b) In reply to this the President wrote (vide copy of his No 361 of 21-22 dated 18/20-7-22) that the Board resolved that the enclosed question might be deferred for the present in view of the Board's other commitments All the 17 enclosures referred to above were returned with the docket.

(c) The Executive Engineer thereon wrote, in his No. 401 dated 11-10-22/6-11-22 re forwarding the above alternative estimates together with all the 17 enclosures, forming plans estimates and reports etc , and asking for the Board's countersignature of any estimate treating the work at least as Famine Relief Work.

(d) In reply to this too the President repeated that the Board had resolved that the question might be deferred for the present and returned all the 17 enclosures sent mentioning however in the body of the docket only the estimate

estimate amounting to Rs.27,568/-

(e) Subsequently the President, District Board, of his own accord wrote for the project in his No C 924 L F 23-24 dated 17-11-1923 to ~~the~~ be sent for countersignature The project was forwarded with Executive Engineer's No 383 dated 29/30-11-23, with all the 17 enclosures as per paras a, b and C but mentioning in the docket only the project for Rs 27,568/- in consonance with President's requisition

(f) The President returned all the 17 enclosures connected with the 2 alternative estimates but carefully countersigning only the plans and estimates pertaining to the Rs 27,568 estimate He sent a copy of the Board's resolution and requested that the plans and estimates might be forwarded to the Chief Engineer very early to expedite matters (vide his No C 924 L F 22-25 dated 4-1-1924)

(g) The entire file of papers as received from the President containing all the 17 enclosures, those countersigned by the President and those uncountersigned and the Board's resolution were submitted to the Chief Engineer for getting needful early orders in Executive Engineer's No 2/18 dated 4-1-1924

(h) The Chief Engineer returned with his No B.4318/16 dated 28-1-24 all the enclosures with certain instructions, and asked for resubmission of the estimate for Rs 27,568/- duly modified in the light of instructions given and with the remark "that the estimate for Rs.37,392/- unapproved by the Board might be recorded in Division Office" the 2nd alignment of the road meets at Harti instead of at Yerabally. If the Board agrees, the nomenclature may be suitably altered

(j) The above Chief Engineer's reference was replied to in this office No 303 dated 17-6-24 As the result of the Chief Engineer's No 4112 dated 22-9-24 to the Government, and the urgings of the President, District Board, as is evident from the preamble of the Government Order, the estimate for Rs.27,545/- as modified by the Chief Engineer, was ultimately sanctioned by Government.

the ---

President would make it appear that certain plans and estimates were withheld from the District Board, that they were at all events were not placed before the District Board at at the meeting on 22-12-23 that the board appear to have been ignorant of the other alternative estimate and that they were under the impression that the project approved by them was oneof "improving the cart track itself' which had been summarily passed over vide para 1 of the report accompanying the estimate and finally concludes that the sanctioned project was approved in haste by then Board

8 x x x

9 Para 5 of President's reply letter - From the referen quoted above it is pretty clear that the 2 alternative estima were thrice referred to the former President of the District Board He introduced the subject to the District Board twice who on both occasions deferred consideration of the subject. He himself moved for its introduction for the 3rd time and saw it passed by the District Board and pursued the subject till it was sanctioned by the Government

10 Even supposing that the other bigger estimate was not carefully considered by the President or the Board, seeing that the smaller estimate was passed by the Board and sanctioned by Government and that it was also the one recommended for adoption by the Executive Engineer there is nothing to detract from the merits of the sanctioned project

That the question of improvement of the cart track as against the opening of a fresh road was wholly out of considerati is further borne out by the fact that the estimate approved by Board provided for compensation of lands right throughout the length of alignment of the road, and which must have disabused the minds of the District Board of any false impression of the cart track being adopted for the fresh main road.

11 The President affirms that the members of the present Board alone approved of the sanctioned project hastily in the first instance but now desire to abandon the said project subsequently on reconsideration It may be recalled that the --

the decision approving of the project was come to practically in a full house 32 out of 35 members having been present

Para 6 of the letter -- There is nothing to say regarding this in as much as the District Board is stated to have agreed to bear the loss resulting from the abandonment of the sanctioned project The long delay or present break has already worked its mischief and there is no doubt that the Board is, ary way put to some heavy loss

Para 7 and last of the letter - This is only a summary or resume of the whole subject It need not be gone into and an answered in detail again

I may finally submit that I am of firm conviction that the sanctioned project is by far the best The cart track in the locality of configuration of the ground might do well for a village road, but never for a main 1st class road under contemplation

It is immaterial how to us what the ultimate decision of the Government on the question will be, That will of course be carried out with all the required earnestness x x x

This disposes ofyour No 4406 dated 7th March 1927 also

"Copy"

Superintendent,
(Local Self-Government Branch)